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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,369	07/10/2003	Steven McCanne	50269-0722	6737
73066 7590 10/14/2009 HICKMAN PALERMO TRUONG & BECKER LLP/Yahoo! Inc. 2055 Gateway Place Suite 550 San Jose, CA 95110-1083			EXAMINER CLOUD, JOIYA M	
			ART UNIT	PAPER NUMBER
			2444	
			MAIL DATE	DELIVERY MODE
			10/14/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/618,369

Applicant(s)

MCCANNE ET AL.

Examiner

Joiya M. Cloud

Art Unit

2444

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/29/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16, 18-24, 26 and 28-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16, 18-24, 26 and 28-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to the communication filed 06/30/2008. Claims 16, 18-24, 26 and 28-39 are pending.

Reopening of Prosecution

In view of the Pre-Brief Appeal Conference decision mailed on 07/29/2009, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, applicant must file a reply under 37 CFR 1.113

Response to Arguments

A) Haggerty does not describe “logic that indicates that the apparatus has been designated as a sole rendezvous node in the multicast group...that the apparatus is to disseminate the plurality of entries to members of the multicast group.” Moreover, “Srivastava is ineligible as a reference.”

As to the above point A), please refer to new ground(s) of rejection below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16, 18-24, 26 and 28-39 are rejected under 35 U.S.C. 102(e) as being unpatentable over Haggerty et al. (U.S. Patent No. 6, 331, 983 B1, hereinafter **Haggerty**) in view of Li et al (US Patent No. 6,631,420 B1).

As per **claim 16**, Haggerty discloses the invention substantially as claimed. Haggerty discloses an apparatus for processing data at a node in a data network, wherein the data network connects a plurality of nodes and at least a portion of the plurality of the nodes form a multicast group apparatus comprising: a data store that stores a plurality of entries associated with the multicast group (**Haggerty: Abstract, col. 7, lines 53-59, col. 8, lines 4-16**), wherein each identifies a source that published the entry (**Haggerty: col. 20, lines 59-67 and col. 8, lines 12-16**); logic that disseminates the plurality of entries to members of the multicast group (**Haggerty: col. 8, lines 4-16**); logic that receives, from a node that is not a member of the multicast group, a request to run a query (**Haggerty: col. 14, lines 29-36**), wherein the query specifies matching criteria (**Haggerty: col. 8, lines 17-26**); logic that runs the query against the entries in the data store (**Haggerty: col. 8, lines 57-67**).

Haggerty does not explicitly disclose logic that indicates that the apparatus has been designated as a sole rendezvous node in the multicast group, wherein designation as the sole rendezvous node indicates that the apparatus is to disseminate the plurality of entries to members of the multicast group; and logic that disseminates one or more entries that satisfy the matching criteria to the node that is not a member of the multicast group.

However, Li teaches logic that indicates that the apparatus has been designated as a sole rendezvous node in the multicast group, wherein designation as the sole rendezvous node indicates that the apparatus is to disseminate the plurality of entries to members of the multicast

group; and logic that disseminates one or more entries that satisfy the matching criteria to the node that is not a member of the multicast group (**Abstract and col. 5, lines 3-10, where the rendezvous node is the Rendezvous Point (RP) of Li, where a request to join a multicast group establishes an routing entry that is forwarded to the group RP router which acts as the distribution point of all multicast packets for the multicast group, see also col. 1, lines 44-51).**

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporate Haggerty's teachings to the teachings of Li, for the purpose of distributing packets from the source to the clients (**col. 6, lines 65-col. 7, line 7).**

As per claim 18, Haggerty-Li teaches apparatus further comprising logic that adds a first entry to the plurality of entries in the data store in response to a request from a first node to add the first entry (**Haggerty: col. 7, line 53-59).**

As per claim 19, Haggerty-Li teaches an apparatus wherein the logic that adds a first entry to the plurality of entries further automatically disseminates the first entry to the plurality of the nodes that form the multicast group in response to the request from the first node to add the first entry to the plurality of entries (**Haggerty: col. 8, lines 27-37).**

As per claim 20, Haggerty-Li teaches an apparatus further comprising logic that deletes a first entry of the plurality of entries in the data store in response to a request from a first node to relinquish the first entry (**Haggerty: col. 18, lines 12-17).**

As per claim 21, Haggerty-Li teaches an apparatus further comprising logic indicates, to the plurality of the nodes that form the multicast group, that the first entry has been relinquished,

wherein the indication is in response to the request from the first node to relinquish the first entry
(Haggerty: col. 18, lines 12-17).

As per claim 22, Haggerty-Li teaches an apparatus wherein the source that published the entry is not a member of the multicast group **(Haggerty: col. 14, lines 31-36 and col. 8, lines 12-16).**

As per claim 23, Haggerty-Li teaches an apparatus wherein the source that published the entry is a member of the multicast group **(Haggerty: col. 8, lines 12-16).**

As per claim 24, Haggerty-Li teaches an apparatus wherein each entry is associated with a priority that specifies its delivery priority relative to other entries **(Haggerty: col. 17, lines 30-38).**

As per claim 26, claim 26 is substantially the same as claim 1 and is thus rejected using similar rationale.

As per claim 28-34, claims 28-35 lists all the same elements of claims 18-24, but in method form rather than apparatus form. Therefore, the supporting rationale of the rejection to claims 18-24 applies equally as well to claims 28-35. Furthermore regarding, asynchronously notifying the particular node of a modification to a first entry; wherein the asynchronously notifying the particular node is performed in response to the source that published the first entry modifying the first entry **(Haggerty: col. 28, lines 60-65).**

As per claim 36, claim 36 is substantially the same as claim 1 and is thus rejected for reasons similar to those in rejecting claim 1.

As per claims 37-39, Haggerty-Li teaches wherein the plurality of entries to members of the multicast group comprises updates to data stores associated with nodes that are not members of the multicast group (Li: col. 5, lines 1-55).

CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joiya Cloud whose telephone number is 571-270-1146. The examiner can normally be reached Monday to Friday from on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3922.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444

JMC